

Neil Aitkenhead


2103/1 Peak Avenue

Main Beach

Queensland, 4217, Australia

Ph: +61.7.55281221 Fax: +61.7.55329720

Email: nzahead@ozemail.com.au

 **FILED**
JAN 25 2010
TAWANA C. MARSHALL, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

**In The United States Bankruptcy Court
For the Northern District of Texas
Dallas Division**

In Re: Superior Air Parts Inc.

Case: No. 08-36705-BJH-11

Debtor in Possession

**Response to Objection to Claim No.182 Filed by the Claimant
Neil Aitkenhead.**

To the Honorable Barbara J. Houser, United States Bankruptcy Judge:

I, Neil Aitkenhead (Claimant) respectfully request that the court **disallow the objection to my claim No. 182** in the amount of \$3,673.36.

In response to the objection to my claim lodged by the Trustee of The Superior Creditor's Trust I state as follows:

1: In response to the Trustee's objection item 7, I state that at all times I was dealing personally with the Sales Manager of Superior, Mr. Bill Peterson relating to the replacement sump system for the XP-10360 engine supplied by Superior. There was a considerable time lapse while Superior were redesigning and manufacturing the new sump. At all times Superior acknowledged that the original lightweight sump was of a faulty design and that Superior would supply the redesigned sump at no cost and accept and reimburse all reasonable costs for the fitment and subsequent modifications required to adapt the engine installation to the replacement modified sump.

2:

I refer you to the letter from Superior Air Parts inc. dated November 14th 2006 (Attachment marked "A") advising of the production delays of the redesigned sump. The redesigned sump was finally received late 2008.

I also refer you to an earlier Warranty Claim form to Superior Air parts Inc. (Attachment Marked "B") This was and interim arrangement to fit a replacement sump of the original design until the redesigned sump was available. Superior paid the claim.

Mr. Bill Peterson would be able to verify that that the above is true and correct and that I was very patient having to wait approximately two years for the redesigned sump and that my claim of \$3673.36 is fair and reasonable for the work involved.

2: In response to the Trustee's objection item 8, I state that being in the country of **Australia** I had not been advised neither was I aware and could not be reasonably expected to be aware that Superior Air Parts Inc. had filed for Chapter 11 Bankruptcy. I was only advised of the Bankruptcy when I phoned the office of Superior in the later part of January 2009 to enquire as to the payment of my claim that I had mailed to Superior in late December 2008. I was verbally given the contact details of the Council for the Debtor, Strasburger & Price. I subsequently sent my proof of claim as soon as possible, dated January 23rd. The proof of claim was returned to me by Strasburger stating that the proof of claim must be lodged with the Clerk of the Bankruptcy Court (I attach copy of Stasburger's letter dated February 19th marked "C"). I immediately redirected by airmail the Proof of Claim to the Bankruptcy Court and a copy to Strasburger on March 3rd. I therefore respectfully request that under these exceptional circumstances that my Proof of Claim be accepted despite having been received outside the "Bar Date" 17th February 2009.

Prayer:

Wherefore, the Claimant, Neil Aitkenhead, respectfully requests that the Court **disallow** the order to have the Claimant's Claim 182 expunged from the Official Claims Register.

Dated: January 15th 2009

Main Beach

Queensland, Australia.

3:

Certificate of Service:

The Claimant, Neil Aitkenhead, hereby certifies that a true copy of the foregoing Response to Objection was served on January 15th 2009 upon the following:

Attorneys for Marla Reynolds, trustee of the Superior Creditor's Trust

Elliot D. Schuler State Bar No.24033046

2300 Trammell Crow Centre

2001 Ross Avenue

Dallas, Texas 75201, U.S.A.

By E-mail: elliott.d.schuler@bakernet.com and also by Air Mail.

Original: By Air Mail to:

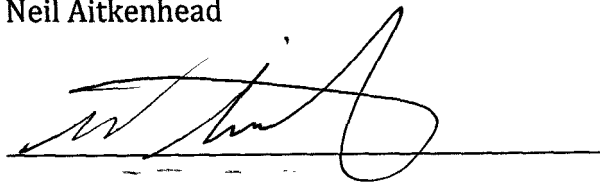
The Clerk of The United States Bankruptcy Court,

1254 Earle Cabell Federal Building and United States Courthouse,

1100 Commerce Street,

Dallas, TX 75242, U.S.A.

Neil Aitkenhead

A handwritten signature in black ink, appearing to read 'Neil Aitkenhead', is written over a horizontal line.

A



A I R P A R T S, I N C.

November 14, 2006

Neil Aitkenhead
2103/1 Peak Ave.
Main Beach, Queensland 4217

Dear XP Engine Owner,

Back in May we communicated with you regarding the redesign of the Ryton lightweight sump on your XP Engine. At that time our projection for completion of the redesign, testing and manufacture of replacement sumps was to be October.

Unfortunately, a production delay relating to one of the components in the redesigned sump has delayed our timetable for the replacement design.

Our current receiving schedule for the redesigned sump now appears to be mid to late December. Once they are available, we will contact you to make arrangements to replace your existing sump.

Thank you for your patience and your purchase of a Superior XP-Series Engine.

Sincerely,

Michael E. Caban
Director Sales & Marketing

www.xp-series.com

SUPERIOR

AIR PARTS INC
621 South Royal Lane, Suite 100
Coppell, Texas 75019-3805

EDF NO.: TSF 005
REVISION: A
REVISION DATE: 07/01/2004
PAGE: 1 OF 3

Doc. Title: Superior Products Warranty Claim Form

Claim #

Superior Distributor Account Number: _____

Current Date: _____

Customer Number: _____

Date of Occurrence: JAN. 7th 2006

OWNER OR OPERATOR

Name: NEIL AITKENHEAD

Address: 2403/1 PEAK AVE

MAIN BEACH, QLD 4217

Phone #: +61.7.55281221 AUSTRALIA

Contact: As ABOVE Mobile +61.411179943

REPAIR AGENCY

Name: _____

Address: _____

Phone #: _____

Contact: _____

Customers description of difficulty: LIGHTWEIGHT SUMP ASSEMBLY EXPLODED WHILE STARTING ENGINE. - SERVICE LETTER NO LOS-07A DATED 21st SEPT. 2005 NOT COMMUNICATED TO

A/C Make/Model: FALCO. F.8L.

A/C Registration # VH-NVA OWNER

Engine Make/Model: SUPERIOR XP10-360.BIFB2

Engine Serial #: 05622

Reported Primary Failed Part #: SV78903-1

Component Serial #: 168

Date Failed Part was Installed: NEW.

Total Time on Failed Part: ZERO.

Part Number	Quantity	Description	Cost
<u>SV78903-1</u>	<u>1</u>	<u>SUMP ASSEMBLY - SUPPLIED</u>	
		<u>+ GA</u>	
		<u>By SUPERIOR.</u>	<u>—</u>

SUB-TOTAL PARTS COST

TOTAL PARTS COST PAGE 2

Est Labor to Correct 10.5

Hours @ \$ 45.00 /Hour \$ 472.50

R & I Labor _____

Hours @ \$ _____ /Hour \$ _____

Outside Repairs\$ _____

Freight Cost\$ _____

TOTAL REPAIR COST \$ 499.50

\$A.



C

February 19, 2009

Writer's Direct Dial No:
512.499.3643
angela.dunn@strasburger.com

Neil Aitkenhead
2103/1 Peak Ave.
Main Beach, Queensland, 4217 Australia

RE: Case No. 08-36705, Superior Air Parts, Inc.

Dear Neil:

We received your original proof of claim and are returning it herewith. YOU MUST FILE YOUR ORIGINAL PROOF OF CLAIM WITH:

**TAWANA C. MARSHALL
CLERK OF THE BANKRUPTCY COURT
1100 COMMERCE STREET, RM 1254
DALLAS, TX 75242.**

You may send a copy of your claim form to counsel for the Debtor:

**STEPHEN A. ROBERTS
STRASBURGER & PRICE, L.L.P.
600 CONGRESS, SUITE 1600
AUSTIN, TX 78701**

*MAILED
1/13/09*

BUT the original MUST be filed with the Bankruptcy Clerk.

Should you have any questions or need further assistance please contact, the Legal Administrative Assistant, at angela.dunn@strasburger.com or 512-499-3643.

With highest regards,

A handwritten signature in black ink, appearing to read 'Angela J. Dunn', followed by a long horizontal line.

Angela J. Dunn, PLS
Legal Administrative Assistant

AJD:
Enclosure

Strasburger & Price, LLP